

**A SUBSTITUTE ORDINANCE BY**

**FINANCE AND EXECUTIVE COMMITTEE**

**AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X, PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES, AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR AND TO PURCHASE APPROXIMATELY .09 ACRES, LOCATED AT 156 WALNUT STREET ("THE VINE CITY PARK 156 WALNUT STREET PROPERTY") FROM THE CONSERVATION FUND (TCF,) IN AN AMOUNT NOT TO EXCEED SIXTY THOUSAND DOLLARS (\$60,000.00), FOR THE PURPOSE OF EXPANDING THE EXISTING VINE CITY PARK. THE CITY'S PURCHASE PRICE, DUE DILIGENCE, PURCHASE SERVICES AND DEVELOPMENT COSTS SHALL BE CODED TO ORACLE STRING PTAE0 (PNG PROJECT: 10202670), (PNG TASK: 101), PNG AWARD: 270221062), (EXPENDITURE: 5413004), (ORG: COA), GENERAL LEDGER (FUND: 2702), (DEPARTMENT: 100101), (ACCOUNT: 5413004), (FUNCACT: 1320000), (PROJECT: 202670), (FD SRC: 21062), (INTER: 0000), WESTSIDE TAD FUND/CONSTRUCTION IN PROGRESS/WESTSIDE TAD 2005, WHICH ACCOUNT HAS BEEN FUNDED FROM THE WESTSIDE TAD NEIGHBORHOOD FUND ALLOCATION APPROVED BY THE ATLANTA DEVELOPMENT AUTHORITY ("ADA"); APPROVING CONFORMING CHANGES TO THE INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY AND ADA RELATING TO THE VINE CITY PARK OF WHICH THE VINE CITY PARK 156 WALNUT STREET PROPERTY WILL FORM A PART; AND FOR OTHER PURPOSES.**

**WHEREAS**, in order to encourage the redevelopment of the Western downtown area of the City of Atlanta, Georgia, the City Council of the City of Atlanta, Georgia ("City Council") adopted Resolution 92-R-1575 on December 7, 1992, and signed by the Mayor on December 15, 1992 (the "Original Westside TAD Resolution") which, among other things, (i) created the Techwood Park Urban Redevelopment Area and Tax Allocation District Number One – Atlanta/Techwood Park (the "Original Westside Redevelopment Area and TAD"), and (ii) adopted the Techwood Park Urban Redevelopment Plan (the "Original Westside Redevelopment Plan") pursuant to the authority granted to the City under the Redevelopment Powers Law, O.C.G.A. 36-44-1, et seq. (the "Act"); and

**WHEREAS**, pursuant to Resolution 98-R-0777, adopted by the City Council on July 6, 1998, and approved by the Mayor on July 15, 1998, the City, among other things, (i) expanded the Original Westside Redevelopment Area and TAD and renamed the tax allocation district "The Westside Tax Allocation Bond District, Number 1, As Amended

– Atlanta/Westside” (the “TAD”), and (ii) amended the Original Westside Redevelopment Plan and renamed same “The Westside Redevelopment Plan and Tax Allocation Bond District (Tax Allocation District Number 1, As Amended – Atlanta/Westside)” (the “Redevelopment Plan”), all as provided under the Act; and

**WHEREAS**, the City has previously appointed the Atlanta Development Authority (“ADA”) as the City’s redevelopment agency pursuant to the Act for the purpose of implementing the redevelopment initiatives set forth in the Redevelopment Plan and for other purposes, including, without limitation, serving as agent for the City with respect to the hereinafter defined Vine City Park Project; and

**WHEREAS**, on September 21, 2006, the Board of Directors of ADA approved an allocation of \$600,000 from the “Westside TAD Neighborhood Fund” Allocation (the “Initial Vine City Park Allocation”), derived from the proceeds of those certain City of Atlanta Tax Allocation District Bonds (Westside Project), Series 2005A (the “Westside TAD Bonds”), for the purpose of funding the City’s plan to undertake the construction and equipping of the Vine City Park within the Vine City area of the Westside TAD (the “Vine City Park Project”), in order to improve the prospect and redevelopment potential of the neighborhoods located within said area of the Westside TAD; and

**WHEREAS**, on November 20, 2006, the City Council adopted Resolution 06-R-2616 and the Mayor approved on November 28, 2006, approving the Initial Vine City Park Allocation and the undertaking of the Vine City Park Project (the “City Approving Resolution”) and the negotiation, execution and delivery of an Intergovernmental Agreement by and between the City and ADA in connection therewith (the “Vine City Park Agreement”), a copy of which City Approving Resolution is attached hereto as **Exhibit “A”**; and

**WHEREAS**, on April 19, 2007, the Board of Directors of ADA adopted a Resolution relating to the provision of an additional allocation of \$300,000 in support of the Vine City Park Project (the “Additional Vine City Park Allocation”) payable out of amounts available from the Westside TAD Neighborhood Fund, a copy of which ADA resolution is attached hereto as **Exhibit “B”**; and

**WHEREAS**, on August 28, 2007, the Mayor approved Ordinance 07-O-1368 authorizing the acquisition of four parcels located on Walnut Street and Graves Street, Parcel Identification Numbers 14-0083-0004-077, 14-0083-0004-078, 14-0083-0004-090 and 14-0083-0004-091 from the Concerned Black Clergy (“Vine City CBC Property”) in an amount not to exceed \$300,000 in order to expand the existing Vine City Park; and

**WHEREAS**, on November 15, 2007, the City acquired the Vine City CBC Property for approximately \$210,000, leaving approximately \$90,000 in funds available for additional acquisition or development; and

**WHEREAS**, The Conservation Fund (“TCF”) is negotiating for or has contracted for approximately 0.09 acres of property, located at 156 Walnut Street, Atlanta, Georgia, Parcel Identification Number 14-0083-0004-077 (“the Vine City Park 156 Walnut Street

Property”) for the purpose of expanding the existing Vine City Park (See Attached Exhibit “C”); and

**WHEREAS**, TCF has agreed to sell the Vine City Park 156 Walnut Street Property to the City subject to the appropriate City approval processes; and

**WHEREAS**, TCF is a non-profit, 501(c)(3) organization, whose mission is to conserve land and whose work involves working with public agencies to purchase properties for this purpose, and to hold such properties until the public agency has the funds to purchase the properties; and

**WHEREAS**, purchasing the Vine City Park 156 Walnut Street Property is consistent with the City’s goals of greenspace acquisition, preservation and park expansion, and the purposes and intent of the Act and the Westside TAD Neighborhood Fund; and

**WHEREAS**, the City Council of the City, after full review and consideration of the information available to it, has determined that it is in the best interest of the City to authorize the use of the Additional Vine City Park Allocation, as identified above, for the purpose of funding the acquisition and development of the Vine City Park 156 Walnut Property, and to authorize the execution of an amendment, if required, to that certain Vine City Park Agreement to reflect the authorization of the expansion of the Vine City Park Project.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:**

**SECTION 1:** The Chief Procurement Officer or his designee, on behalf of the City, is hereby authorized to negotiate with The Conservation Fund to purchase real property located on 156 Walnut Street, Parcel Identification Numbers 14-0083-0004-076 (“Vine City Park 156 Walnut Street Property”).

**SECTION 2:** The Chief Procurement Officer or his designee is hereby authorized to obtain or review surveys, title reports, environmental assessments, and appraisals to establish the Fair Market Value of the Vine City Park 156 Walnut Street Property (as identified in Section 1 above). In addition, the Chief Procurement Officer, or his or her designee, is authorized to obtain and pay for those items and services necessary to purchase the Vine City Park 156 Walnut Street Property, including but not limited to title insurance, real estate service fees, demolition, site development, fencing, closing costs and other costs of acquisition (the “City’s Due Diligence and Purchase Services”).

**SECTION 3:** The City’s Purchase Price, plus Closing Costs, Development Costs, and Due Diligence and Purchase Services, in an amount not to exceed Sixty Thousand Dollars (\$60,000.00), shall be coded to Oracle String PTAE0 (PnG Project: 10202670), (PnG Task: 101), PnG Award: 270221062), (Expenditure: 5413004), (Org: COA), General Ledger (Fund: 2702), (Department: 100101), (Account: 5413004), (Fundact: 1320000), (Project: 202670), (Fd Src: 21062), (Inter: 0000), Westside Tad Fund/Construction In Progress/Westside Tad 2005, established by the City pursuant to

Amended Ordinance 06-O-2121, enacted by the City Council on October 14, 2006, and approved by the Mayor on October 24, 2007.

**SECTION 4:** Upon acquisition, the Department of Parks, Recreation, and Cultural Affairs, Office of Parks, is hereby charged with all responsibility for the Vine City Park 156 Walnut Street Property, as provided in the Vine City Park Agreement, and shall retain the land in perpetuity as a public park. Nothing in this section shall preclude a neighborhood group(s) or other private entity from maintaining all or part of the property pursuant to an agreement with the City.

**SECTION 5:** The City's Greenspace Acquisition Consultant ("the Consultant") is authorized to settle the acquisition of the Vine City CBC Property at an amount authorized by the Chief Procurement Officer. The Consultant may also arrange and negotiate for the Due Diligence and Purchase Services.

**SECTION 6:** The requirements of the City Code Section 2-1541 (d), of the Procurement and Real Estate Code, are waived, for purposes of the Vine City Park Project only, to allow the purchase of the Vine City Park 156 Walnut Street Property, on behalf of the City, without further authorization by the City Council.

**SECTION 7:** The Mayor, on behalf of the City, is authorized to execute any and all deeds, instruments or other documents that the City Law Department deems to be necessary or advisable in order to carry out the purposes and intent of this Ordinance.

**SECTION 8:** The City Attorney is hereby directed to prepare for execution by the Mayor, any and all deeds, instruments, or other documents that the City Attorney deems necessary or advisable to carry out the purposes and intent of this Ordinance.

**SECTION 9:** Said deeds, instruments, or other documents shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the same has been approved by the City Attorney as to form, attested to by Municipal Clerk, and signed by the Mayor.

**SECTION 10:** The Mayor is hereby authorized to execute and deliver an amendment to the Intergovernmental Agreement reflecting the authorization of the use of the additional funding for the Vine City Park Project and the expansion of the Vine City Park Project as contemplated herein.

**SECTION 11:** Any and all actions already taken or to be taken by the officers, directors, agents and staff of the City or ADA which are consistent with this Ordinance are hereby authorized, ratified and approved, as applicable, in all respects.

**SECTION 12:** All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict. All resolutions and parts of resolutions in conflict herewith are hereby waived, but only to the extent of such conflict.

**SECTION 13:** This Ordinance shall be effective immediately upon its enactment.

EXHIBIT "A"

## EXHIBIT "B"

## EXHIBIT "C"



**AN ORDINANCE BY****FINANCE AND EXECUTIVE COMMITTEE**

**AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR AND PURCHASE APPROXIMATELY .09 ACRES, LOCATED AT 156 WALNUT STREET ("THE VINE CITY PARK 156 WALNUT STREET PROPERTY") FROM THE CONSERVATION FUND (TCF,) IN AN AMOUNT NOT TO EXCEED SIXTY THOUSAND DOLLARS (\$60,000.00), FOR THE PURPOSE OF EXPANDING THE EXISTING VINE CITY PARK. THE CITY'S PURCHASE PRICE, DUE DILIGENCE, PURCHASE SERVICES AND DEVELOPMENT COSTS SHALL BE CODED TO ORACLE STRING PTAE0 (PNG PROJECT: 10202670), (PNG TASK: 101), PNG AWARD: 270221062), (EXPENDITURE: 5413004), (ORG: COA), GENERAL LEDGER (FUND: 2702), (DEPARTMENT: 100101), (ACCOUNT: 5413004), (FUNCACT: 1320000), (PROJECT: 202670), (FD SRC: 21062), (INTER: 0000), WESTSIDE TAD FUND/CONSTRUCTION IN PROGRESS/WESTSIDE TAD 2005, WHICH ACCOUNT HAS BEEN FUNDED FROM THE WESTSIDE TAD NEIGHBORHOOD FUND ALLOCATION APPROVED BY THE ATLANTA DEVELOPMENT AUTHORITY ("ADA"); APPROVING CONFORMING CHANGES TO THE INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY AND ADA RELATING TO THE VINE CITY PARK OF WHICH THE VINE CITY PARK 156 WALNUT STREET PROPERTY WILL FORM A PART; AND FOR OTHER PURPOSES.**

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**WHEREAS**, pursuant to Resolution 98-R-0777, adopted by the City Council on July 6, 1998, and approved by the Mayor on July 15, 1998, the City, among other things, (i) expanded the Original Westside Redevelopment Area and TAD and renamed the tax allocation district "The Westside Tax Allocation Bond District, Number 1, As Amended – Atlanta/Westside" (the "TAD"), and (ii) amended the Original Westside Redevelopment Plan and renamed same "The Westside Redevelopment Plan and Tax Allocation Bond District (Tax Allocation District Number 1, As Amended – Atlanta/Westside)" (the "Redevelopment Plan"), all as provided under the Act; and

**WHEREAS**, the City has previously appointed the Atlanta Development Authority (“ADA”) as the City’s redevelopment agency pursuant to the Act for the purpose of implementing the redevelopment initiatives set forth in the Redevelopment Plan and for other purposes, including, without limitation, serving as agent for the City with respect to the hereinafter defined Vine City Park Project; and

**WHEREAS**, on September 21, 2006, the Board of Directors of ADA approved an allocation of \$600,000 from the “Westside TAD Neighborhood Fund” Allocation (the “Initial Vine City Park Allocation”), derived from the proceeds of those certain City of Atlanta Tax Allocation District Bonds (Westside Project), Series 2005A (the “Westside TAD Bonds”), for the purpose of funding the City’s plan to undertake the construction and equipping of the Vine City Park within the Vine City area of the Westside TAD (the “Vine City Park Project”), in order to improve the prospect and redevelopment potential of the neighborhoods located within said area of the Westside TAD; and

**WHEREAS**, on November 20, 2006, the City Council adopted Resolution 06-R-2616 and the Mayor approved on November 28, 2006, approving the Initial Vine City Park Allocation and the undertaking of the Vine City Park Project (the “City Approving Resolution”) and the negotiation, execution and delivery of an Intergovernmental Agreement by and between the City and ADA in connection therewith (the “Vine City Park Agreement”), a copy of which City Approving Resolution is attached hereto as **Exhibit “A”**; and

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**WHEREAS**, on November 15, 2007, the City acquired the Vine City CBC Property for approximately \$210,000, leaving approximately \$90,000 in funds available for additional acquisition or development; and

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Parcel Identification Number 14-0083-0004-077 (“the Vine City Park 156 Walnut Street Property”) for the purpose of expanding the existing Vine City Park (See Attached **Exhibit “C”**); and

**WHEREAS**, TCF has agreed to sell the Vine City Park 156 Walnut Street Property to the City subject to the appropriate City approval processes; and

**WHEREAS**, TCF is a non-profit, 501(c)(3) organization, whose mission is to conserve land and whose work involves working with public agencies to purchase properties for this purpose, and to hold such properties until the public agency has the funds to purchase the properties; and

**WHEREAS**, purchasing the Vine City Park 156 Walnut Street Property is consistent with the City’s goals of greenspace acquisition, preservation and park expansion, and the purposes and intent of the Act and the Westside TAD Neighborhood Fund; and

**WHEREAS**, the City Council of the City, after full review and consideration of the information available to it, has determined that it is in the best interest of the City to authorize the use of the Additional Vine City Park Allocation, as identified above, for the purpose of funding the acquisition and development of the Vine City Park 156 Walnut Property, and to authorize the execution of an amendment, if required, to that certain Vine City Park Agreement to reflect the authorization of the expansion of the Vine City Park Project.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:**

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**SECTION 4:** Upon acquisition, the Department of Parks, Recreation, and Cultural Affairs, Bureau of Parks, is hereby charged with all responsibility for the Vine City Park 156 Walnut Street Property, as provided in the Vine City Park Agreement.

**SECTION 5:** The City's Greenspace Acquisition Consultant ("the Consultant") is authorized to settle the acquisition of the Vine City CBC Property at an amount authorized by the Chief Procurement Officer. The Consultant may also arrange and negotiate for the Due Diligence and Purchase Services.

**SECTION 6:** The requirements of the City Code Section 2-1541 (d), of the Procurement and Real Estate Code, are waived, for purposes of the Vine City Park Project only, to allow the purchase of the Vine City Park 156 Walnut Street Property, on behalf of the City, without further authorization by the City Council.

**SECTION 7:** The Mayor, on behalf of the City, is authorized to execute any and all deeds, instruments or other documents that the City Law Department deems to be necessary or advisable in order to carry out the purposes and intent of this Ordinance.

**SECTION 8:** The City Attorney is hereby directed to prepare for execution by the Mayor, any and all deeds, instruments, or other documents that the City Attorney deems necessary or advisable to carry out the purposes and intent of this Ordinance.

**SECTION 9:** Said deeds, instruments, or other documents shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the same has been signed by the Mayor, attested to by the Municipal Clerk, and approved as to form by the City Attorney.

**SECTION 10:** The Mayor is hereby authorized to execute and deliver an amendment to the Intergovernmental Agreement reflecting the authorization of the use of the additional funding for the Vine City Park Project and the expansion of the Vine City Park Project as contemplated herein.

**SECTION 11:** Any and all actions already taken or to be taken by the officers, directors, agents and staff of the City or ADA which are consistent with this Ordinance are hereby authorized, ratified and approved, as applicable, in all respects.

**SECTION 12:** All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict. All resolutions and parts of resolutions in conflict herewith are hereby waived, but only to the extent of such conflict.

**SECTION 13:** This Ordinance shall be effective immediately upon its enactment.

## EXHIBIT "A"



SHIRLEY FRANKLIN  
MAYOR

**CITY OF ATLANTA**  
675 PONCE DE LEON AVE, SUITE 800  
ATLANTA, GEORGIA 30308  
(404) 817-6788 -FAX (404) 853-7643  
Internet Home Page: [www.atlantaga.gov](http://www.atlantaga.gov)

Dianne Harnell Cohen  
Commissioner  
Department of Parks, Recreation and  
Cultural Affairs

March 13, 2007

Ms. Ellen Wickersham, Greenspace/Acquisition Manager  
C/o The Atlanta Development Authority  
Suite 300  
86 Pryor Street, S.W.  
Atlanta, Georgia 30303

RE: Intergovernmental Agreement for the Undertaking of the  
Construction and Equipping of the Vine City Park-Executed

Dear Ms. Wickersham,

Attached is a copy of the referenced agreement for your files. It has been fully executed and distributed as noted below.

If you have any questions, please contact Ms. Debra F. Harris, our Departmental Contracting Officer, at (404) 817-6795.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dianne Harnell Cohen".

Dianne Harnell Cohen  
Commissioner

Attachment

Cc: Adam L. Smith-w/original attachment  
Sharon Davis- w/original attachment  
Ken Gillett- w/copy of attachment  
Darlene Y. Jackson-w/copy of attachment  
Debra F. Harris  
File

**INTERGOVERNMENTAL AGREEMENT  
FOR THE UNDERTAKING OF THE CONSTRUCTION AND  
EQUIPPING OF THE VINE CITY PARK AND OTHER RELATED  
REDEVELOPMENT ACTIVITIES WITHIN THE VINE CITY AREA  
OF THE WESTSIDE TAD**

**THIS INTERGOVERNMENTAL AGREEMENT** (this "Agreement") is made this 12<sup>th</sup> day of March, 2007, by and between the **CITY OF ATLANTA**, a political subdivision of the State of Georgia (the "City"), and the **ATLANTA DEVELOPMENT AUTHORITY**, a body corporate and politic duly established and existing in the State of Georgia ("ADA"), by and through the respective governing authorities of each said jurisdiction pursuant to the provisions of Article IX, Section II, Para. III of the Georgia Constitution of the State of Georgia of 1983, as amended, and the general, special and local laws of said State, and the resolutions and ordinances of each of the parties concerning the undertaking of the construction and equipping of City-owned park and greenspace improvements to be located in the Vine City area within the City of Atlanta Tax Allocation District No. 1 – Westside (the "Vine City Park Project"), all as authorized under the Redevelopment Powers Law, O.C.G.A. § 36-44-1 et seq. (the "Act").

**WITNESSETH:**

**WHEREAS**, the Act provides for the establishment of redevelopment powers and the creation of redevelopment plans and tax allocation districts by counties and municipalities in the State of Georgia; and

**WHEREAS**, the purpose of the Act is to improve economic and social conditions within substantially underutilized and economically and socially depressed urban areas that contribute to or cause unemployment, limit the tax resources of counties and municipalities while creating a greater demand for governmental services, have a deleterious effect upon the public health, safety, morals and welfare, and impair or arrest the sound growth of the community as a whole; and

**WHEREAS**, in order to encourage the redevelopment of the western downtown area of the City of Atlanta, Georgia, the City Council of the City of Atlanta, Georgia (the "City"), by Resolution 92-R-1575, adopted on December 7, 1992, and signed by the Mayor on December 15, 1992 (the "Original Westside TAD Resolution"), among other things, (i) created the Techwood Park Urban Redevelopment Area and Tax Allocation District Number One – Atlanta/Techwood Park (the "Original Westside Redevelopment Area and TAD"), and (ii) adopted the Techwood Park Urban Redevelopment Plan (the "Original Westside Redevelopment Plan") pursuant to the authority granted to the City under the Act; and

**WHEREAS**, pursuant to Resolution 98-R-0777, adopted by the City Council of the City on July 6, 1998, and approved by the Mayor on July 15, 1998, the City, among



other things, (i) expanded the Original Westside Redevelopment Area and TAD and renamed the tax allocation district "The Westside Tax Allocation Bond District, Number 1, As Amended – Atlanta/Westside" (the "Westside TAD"), and (ii) amended the Original Westside Redevelopment Plan and renamed same the "The Westside Redevelopment Plan and Tax Allocation Bond District (Tax Allocation District Number 1, As Amended – Atlanta/Westside)" (the "Redevelopment Plan"), all as provided under the Act; and

**WHEREAS**, the City has appointed the ADA as the City's redevelopment agency pursuant to the Act for the purpose of implementing the redevelopment initiatives set forth in the Redevelopment Plan, and for other purposes, including, without limitation, implementing the neighborhood project funding mandate of the City from the "Neighborhood Allocation" (referred to as the "Neighborhood Fund"); and

**WHEREAS**, on September 21, 2006, the Board of Directors of ADA approved an allocation of \$600,000 from the Neighborhood Fund (the "Project Allocation"), derived from the proceeds of those certain City of Atlanta Tax Allocation District Bonds (Westside Project), Series 2005A (the "Westside TAD Bonds"), for the purpose of funding the City's plan to undertake the construction and equipping of the Vine City Park within the Vine City area of the Westside TAD in order to improve the prospect and redevelopment potential of the neighborhoods located within said area of the Westside TAD, as such redevelopment activities are more fully described in Exhibit A attached to the below described City Approving Resolution (such redevelopment activities being collectively referred to herein as the "Vine City Park Project"); and

**WHEREAS**, on November 20, 2006, the City Council of the City adopted Resolution 06-R-2616 approving the \$600,000 Neighborhood Fund allocation and the undertaking of the Vine City Park Project (the "City Approving Resolution"); and

**WHEREAS**, the City and ADA have each determined that the undertaking of the Vine City Park Project will have a positive impact on and is in the best interest of the residents of the Westside TAD, as a whole, and the Vine City area within such Westside TAD, in particular; and

**WHEREAS**, the City and ADA have each determined that it is in its best interest of the City to accept the aforementioned Neighborhood Fund allocation for the Vine City Park Project, and to memorialize such transaction in the form of this Agreement.

**NOW THEREFORE, FOR AND IN CONSIDERATION** of the sum of Ten and No/100ths Dollars (\$10.00). The foregoing recitals, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and ADA do hereby agree as follows:

**Section 1.** ADA hereby agrees to fund the Project Allocation in one or more installments pursuant to requisitions provided to ADA by the City, in a form reasonably satisfactory to the City; provided, however, that (i) ADA will use its best efforts to make funds available to the City within fifteen (15) business days of the approval of any

requisition for payment and (ii) the City shall not submit more than one (1) requisition per month. ADA reserves the right to require the City to comply with any and all requisition procedures then applicable to projects awarded funding, directly or indirectly, from the applicable Westside TAD Bonds from which the Project Allocation is funded.

**Section 2.** The City agrees to administer the Vine City Park Project pursuant to the guidelines and parameters established in the City Approving Resolution (including the project description attached thereto) attached to this Agreement as Exhibit A and by the reference made a part hereof (such guidelines being referred to as the “**Project Guidelines**”) and in accordance with all applicable laws, rules and regulations relating thereto. Without limiting the generality of the foregoing, the City agrees that it will be solely responsible for the following activities and that ADA’s sole role will be to provide the funding for such activities upon proper requisition for such funds:

1. The City shall covenant and agree that all proceeds of the Project Allocation shall be used solely for the Vine City Park Project, which must be located within the Vine City area of the Westside TAD, and shall meet the criteria contemplated in the Project Guidelines.
2. The City, acting through the Department of Parks, Recreation and Cultural Affairs, shall serve as the coordinator and point of contact with the City agencies, community and civic groups, including, without limitation, NPU-L, as and to the extent necessary or appropriate in connection with the construction and equipping of the Vine City Park Project.
3. The City shall undertake the Vine City Park Project in a good and workmanlike manner, and shall assume responsibility for all implementation, compliance and other legal and administrative matters necessary or convenient with respect to such undertaking, including, without limitation, compliance with all applicable laws, rules and regulations, performance of all environmental, site preparation and other related activities.
4. The City shall be responsible for all on-going operations and maintenance of the Vine City Park.

**Section 3.** The City agrees to provide ADA with such documents and information as may be reasonably requested in order to establish compliance by ADA with the requirements and conditions set forth in the documents and agreements relating to the Westside TAD Bonds from which the funding for the Project Allocation is derived, including, without limitation, (i) documents or certificates evidencing or affirming compliance with the Project Guidelines, (ii) records demonstrating the City’s use of all of the Project Allocation for the Vine City Park Project within the Vine City area of the Westside TAD, and (iii) monthly reports and records (in such form as is reasonably satisfactory to ADA) evidencing the receipt and expenditure of all of the Project Allocation and completion of all of related redevelopment activities in the manner contemplated hereby.

**Section 4.** The parties hereby agree that this Agreement may be extended, renewed, modified or otherwise amended only upon the written consent of both parties.

**Section 5.** This Agreement shall be governed by and construed under the laws of the State of Georgia. A breach of any provision of this Agreement shall be deemed material and the non-breaching party shall have the right to pursue such remedies, at law or in equity, to seek compliance by the breaching party, including, without limitation, seeking specific performance; provided, however, that the breaching party shall not be deemed in default until it has been provided thirty (30) days written notice specifying the breach asserted by the non-breaching party.

**Section 6.** Time is of the essence in every particular, and especially where the obligation to pay money is involved.

**Section 7.** This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which when taken together constitute a single document.

**Section 9.** To the extent permitted by law, ADA shall indemnify, defend, save and hold harmless the City from and against any and all claims, demands, counterclaims, damages, disbursements, losses, judgments, liabilities, penalties, injuries, fines, litigation, lawsuits and other proceedings and costs and expenses (including reasonable attorney's fees and expenses) which accrue against or are incurred by the City and which arise from or out of the obligations and responsibilities assumed by ADA with respect to the Vine City Park Project as set forth in this Agreement. The foregoing indemnity is no way conditioned upon fault on the part of ADA or upon any other event, occurrence, matter or circumstance, except as specifically set forth in this Agreement.

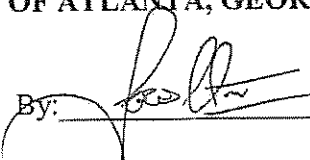
To the extent permitted by law, the City shall indemnify, defend, save and hold harmless ADA from and against any and all claims, demands, counterclaims, damages, disbursements, losses, judgments, liabilities, penalties, injuries, fines, litigation, lawsuits and other proceedings and costs and expenses (including reasonable attorneys' fees and expenses) which accrue against or are incurred by ADA and which arise from or out of the obligations and responsibilities assumed by the City with respect to the Vine City Park Project as set forth in this Agreement. The foregoing indemnity is no way conditioned upon fault on the part of the City or upon any other event, occurrence, matter or circumstance, except as specifically set forth in this Agreement.

**Section 9.** This Agreement shall remain in effect until the earlier to occur of (i) the [first (1st) anniversary] of this Agreement or (ii) the expenditure, by the City, of the Project Allocation in full and performance of all of its obligations hereunder, or (iii) the earlier termination of this Agreement by a non-defaulting party as contemplated herein. Notwithstanding the foregoing, the indemnification provisions set forth above shall expressly survive the termination of this Agreement.

**Section 10.** The provisions of this Agreement shall be deemed independent and severable. In the event any one or more of the provisions contained herein shall, for any reason, be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of the Agreement.


IN WITNESS WHEREOF, the parties have caused this Agreement to be executed and delivered as of the effective date first above stated.

**CITY OF ATLANTA, GEORGIA**


By:  (SEAL)

Printed Name: FORIS WEBB III  
Title: DEPUTY MUNICIPAL CLERK


APPROVED AS TO FORM:


  
Assistant City Attorney

APPROVED AS TO SUBSTANCE:

  
Commissioner, Department of Parks,  
Recreation and Cultural Affairs

**ATLANTA DEVELOPMENT AUTHORITY,  
As Redevelopment Agency**

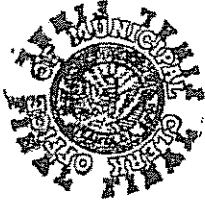
By:   
Its: President

Attest:   
Its: Assistant Secretary

**EXHIBIT "A"**

CITY APPROVING RESOLUTION (WITH PROJECT DESCRIPTION)

**[RESOLUTION 06-R-2616 TO BE ATTACHED]**



CITY COUNCIL  
ATLANTA, GEORGIA

06-R-2616

A RESOLUTION

BY COUNCILMEMBER IVORY L. YOUNG, JR.

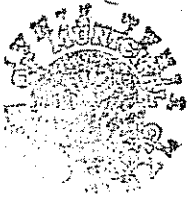
06-R-\_\_\_\_\_

APPROVING THE ACCEPTANCE OF A GREENSPACE ALLOCATION OF \$600,000 FROM THE "NEIGHBORHOOD ALLOCATION" CREATED IN CONNECTION WITH THE IMPLEMENTATION OF THE WESTSIDE TAX ALLOCATION BOND DISTRICT NUMBER 1, AS AMENDED - ATLANTA/WESTSIDE (THE "WESTSIDE TAD") FOR THE PURPOSE OF FUNDING THE CONSTRUCTION AND EQUIPPING OF PARK AND GREENSPACE IMPROVEMENTS TO CERTAIN PROPERTY CURRENTLY OWNED BY THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS OF THE CITY AND LOCATED WITHIN THE VINE CITY NEIGHBORHOOD; APPROVING THE NEGOTIATION, EXECUTION AND DELIVERY OF AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY AND THE ATLANTA DEVELOPMENT AUTHORITY RELATING TO SAID GREENSPACE ALLOCATION; AND FOR OTHER PURPOSES.

WHEREAS, the Redevelopment Powers Law, O.C.G.A. § 36-44-1 et seq. (the "Act"), provides for the establishment of redevelopment powers and the creation of redevelopment plans and tax allocation districts by counties and municipalities in the State of Georgia; and

WHEREAS, the purpose of Act is to improve economic and social conditions within substantially underutilized and economically and socially depressed urban areas that contribute to or cause unemployment, limit the tax resources of counties and municipalities while creating a greater demand for governmental services, have a deleterious effect upon the public health, safety, morals and welfare, and impair or arrest the sound growth of the community as a whole; and

WHEREAS, in order to encourage the redevelopment of the western downtown area of the City of Atlanta, Georgia, the City Council of the City of Atlanta, Georgia (the "City"), by Resolution 92-R-1575, adopted on December 7, 1992, and signed by the Mayor on December 15, 1992 (the "Original Westside TAD Resolution"), among other things, (i) created the Techwood Park Urban Redevelopment Area and Tax Allocation District Number One - Atlanta/Techwood Park (the "Original Westside Redevelopment Area and TAD"), and (ii) adopted the Techwood Park Urban Redevelopment Plan (the "Original Westside Redevelopment Plan") pursuant to the authority granted to the City under the Act; and



**WHEREAS**, pursuant to Resolution 98-R-0777, adopted by the City Council of the City on July 6, 1998, and approved by the Mayor on July 15, 1998, the City, among other things, (i) expanded the Original Westside Redevelopment Area and TAD and renamed the tax allocation district "The Westside Tax Allocation Bond District, Number 1, As Amended - Atlanta/Westside" (the "Westside TAD"), and (ii) amended the Original Westside Redevelopment Plan and renamed same the "The Westside Redevelopment Plan and Tax Allocation Bond District (Tax Allocation District Number 1, As Amended - Atlanta/Westside)" (the "Redevelopment Plan"), all as provided under the Act; and

**WHEREAS**, the City has appointed the Atlanta Development Authority ("ADA") as the City's redevelopment agency pursuant to the Act for the purpose of implementing the redevelopment initiatives set forth in the Redevelopment Plan, and for other purposes, including, without limitation, implementing the neighborhood project funding mandate of the City from the "Neighborhood Allocation" (referred to as the "Neighborhood Fund"); and

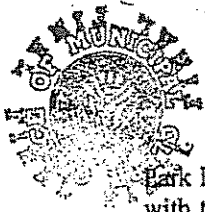
**WHEREAS**, on September 21, 2006, the Board of Directors of ADA approved an allocation of \$600,000 from the Neighborhood Fund for the purpose of funding the City's plan to construct and equip certain park and greenspace improvements (the "Vine City Park Project") to that certain property owned by the Department of Parks, Recreation and Cultural Affairs of the City, consisting of approximately one (1) acre bounded by Walnut, Magnolia, and Graves Streets and identified as Vine City Park, all within the Westside TAD (as such property and redevelopment plan is further described in Exhibit A attached hereto and by this reference made a part hereof); and

**WHEREAS**, the City has determined that the undertaking of the Vine City Park Project will have a positive impact on and is in the best interest of the residents of the Vine City area of the Westside TAD; and

**WHEREAS**, the City has determined that it is in its best interest to accept the aforementioned Neighborhood Fund allocation for the Vine City Park Project, and to memorialize such transaction in the form of an Intergovernmental Agreement by and between the City and ADA, which Intergovernmental Agreement shall be in such form as may be deemed necessary and appropriate by the Mayor or Chief Financial Officer of the City, after review and approval by the Commissioner of the Department of Parks, Recreation and Cultural Affairs of the City and the City Attorney.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:**

**Section 1.** The Council finds and declares that it is in the best interest of the citizens of the City, in general, and the residents of the Vine City area of the Westside TAD, in particular, to undertake the acquisition, construction and equipping of the Vine City Park Project, and that the acquisition, construction and equipping of the Vine City Park Project is hereby ratified, confirmed and approved in all material respects.



**Section 2.** The Council hereby approves the allocation of \$600,000 for the Vine City Park Project from the Neighborhood Fund, which allocation shall be used in a manner consistent with the redevelopment plan set forth in Exhibit A attached hereto and by this reference made a part hereof, the Redevelopment Plan and the Act.

**Section 3.** The Council hereby authorizes the Mayor or Chief Financial Officer of the City to negotiate, execute and deliver an Intergovernmental Agreement by and between the City and ADA memorializing the terms and conditions of the Neighborhood Fund allocation for the Vine City Park Project, which Intergovernmental Agreement shall be in a form deemed necessary and appropriate by the Mayor or Chief Financial Officer, after review and approval by the Commissioner of the Department of Parks, Recreation and Cultural Affairs of the City and the City Attorney.

**Section 4.** The Council hereby ratifies, affirms and approves all other acts and doings of the Mayor, the Chief Financial Officer, the Department of Parks, Recreation and Cultural Affairs and the other proper officers, employees and agents of the City in connection with the consummation of the Vine City Park Project to the extent not inconsistent with this Resolution.

**Section 5.** All resolutions and parts of resolutions in conflict with this resolution are hereby waived to the extent of such conflict.

A true copy,

  
Deputy Clerk

ADOPTED by the Council  
APPROVED by the Mayor

NOV 20, 2006  
NOV 28, 2006

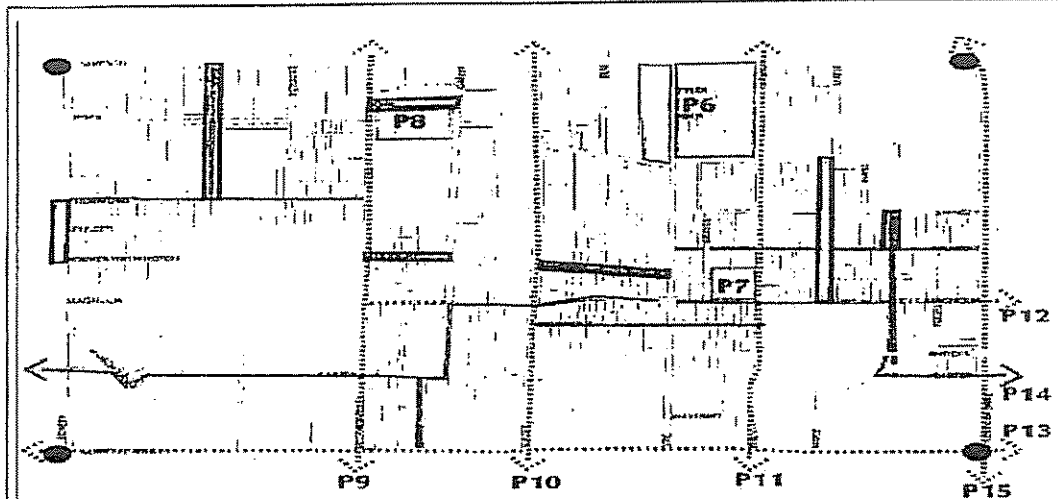


## EXHIBIT A

### WESTSIDE TAX ALLOCATION DISTRICT NEIGHBORHOOD FUND

#### PROJECT DESCRIPTION SHEET

PROJECT NAME & NUMBER: VINE CITY PARK DEVELOPMENT/WTNF04170608



LOCATION:	A 1-acre property bounded by Walnut, Magnolia, and Graves as identified as Vine City Park (P7 on Map above.)
TYPE:	In 2004, the Department of Park, Recreation and Cultural Affairs (DPRCA) assembled ten parcels of land to create the existing Vine City Park. The City used Georgia Greenspace Funds in concert with a \$125,000 grant from the Arthur M. Blank Family Foundation. The Westside TAD Neighborhood Funds will be used by the DPRCA to implement Phase I of a Conceptual Master Plan created in December 2005 by the community in concert with Park Pride and DPRCA.
OWNERSHIP ENTITY:	City of Atlanta, Department of Parks, Recreation and Cultural Affairs
PROJECT TYPE:	100% Parks and Greenspace Development
AMENITIES:	Lights, brick pavers, Garden Rooms, Playground, Amphitheater, Landscaping

**PROJECT FUNDING SOURCES:**

FUND USE	AMOUNT	SOURCE OF FUNDS
New Construction Cost	\$600,000	WTAD NF
Development Cost	\$200,000	Acorn

**SITE CONTROL:**

OPTION TO PURCHASE	CONTRACT FOR PURCHASE AND SALE	RECORDED CERTIFICATE OF TITLE	RECORDED DEED	LONG-TERM LEASE	NOT CONTROLLED
			X City Owned		

**PARTICIPANTS:**

NAME	FUNCTION
DEPARTMENT OF PARKS, REC. & CULTURAL AFFAIRS	PROPOSED ARCHITECT
DEPARTMENT OF PARKS, REC. & CULTURAL AFFAIRS	PROPOSED CONTRACTOR

**PROJECT SCHEDULE:**

ACTIVITY	DATE
Obtain Firm Financing Commitment	N/A
Finalize Site Plan & Architectural Drawings	9 MONTHS FROM ACCEPTANCE
Real Estate Closings	N/A
Zoning Review Board Approval	N/A
Neighborhood Planning Unit Approval	9 MONTHS FROM ACCEPTANCE
Urban Design Commission Approval	N/A
Financial Closing	N/A
Start Construction	13 MONTHS FROM ACCEPTANCE
Complete Construction	19 MONTHS FROM ACCEPTANCE
Start of Occupancy/Lease-Up	N/A
Reach Project Stabilization	N/A

RCS# 726  
11/20/06  
3:57 PM

Atlanta City Council

REGULAR SESSION

PERS. YOUNG

APPROVING ACCEPTANCE OF A GREENSPACE  
ALLOCATION OF \$600,000  
ADOPT AS AMEND

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

PERS. YOUNG

#4

06-~~R~~-2616  
(Do Not Write Above This Line)

A RESOLUTION

BY: COUNCILMEMBER IVORY LEE YOUNG, JR.,

APPROVING THE ACCEPTANCE OF A GREEN-SPACE ALLOCATION OF \$600,000 FROM THE "NEIGHBORHOOD ALLOCATION" CREATED IN CONNECTION WITH THE IMPLEMENTATION OF THE WESTSIDE TAX ALLOCATION BOND DISTRICT NUMBER 1, AS AMENDED-ATLANTA/WESTSIDE (THE "WESTSIDE TAX") FOR THE PURPOSE OF FUNDING THE CONSTRUCTION AND EQUIPPING OF PARK AND GREENSPACE IMPROVEMENTS TO CERTAIN PROPERTY CURRENTLY OWNED BY THE DEPARTMENT OF PARKS, RECREATION, AND CULTURAL AFFAIRS OF THE CITY AND LOCATED WITHIN THE VINE CITY NEIGHBORHOOD; APPROVING THE NEGOTIATION, EXECUTION AND DELIVERY OF AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY AND THE ATLANTA DEVELOPMENT AUTHORITY RELATING TO SAID GREENSPACE ALLOCATION; AND FOR OTHER PURPOSES.

*Adopted by full Council*  
11/20/05 ADOPTED

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

COUNCIL

NOV 20 2005

Date Referred  
Referred To:  
Date Referred  
Referred To:  
Date Referred  
Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

BY Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd Readings  
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

NOV 20 2005

CERTIFIED  
NOV 20 2005  
MAYORAL CLERK

MAYOR'S ACTION

APPROVED

MAYOR

## EXHIBIT “B”

**A RESOLUTION OF THE ATLANTA DEVELOPMENT AUTHORITY ("ADA") RELATING TO THE PROVISION OF TAX ALLOCATION DISTRICT FUNDING SUPPORT FOR VARIOUS REDEVELOPMENT PROJECTS WITHIN THE WESTSIDE TAX ALLOCATION BOND DISTRICT, NUMBER 1, AS AMENDED – ATLANTA/WESTSIDE FROM THE "NEIGHBORHOOD ALLOCATION"; AND FOR OTHER PURPOSES**

**WHEREAS**, in order to encourage the redevelopment of the western downtown area of the City of Atlanta, Georgia, the City Council of the City of Atlanta, Georgia (the "City"), by Resolution 92-R-1575, adopted on December 7, 1992, and signed by the Mayor on December 15, 1992 (the "Original Westside TAD Resolution"), among other things, (i) created the Techwood Park Urban Redevelopment Area and Tax Allocation District Number One – Atlanta/Techwood Park (the "Original Westside Redevelopment Area and TAD"), and (ii) adopted the Techwood Park Urban Redevelopment Plan (the "Original Westside Redevelopment Plan") pursuant to the authority granted to the City under the Redevelopment Powers Law, O.C.G.A. § 36-44-1, et seq. (the "Act"); and

**WHEREAS**, pursuant to Resolution 98-R-0777, adopted by the City Council of the City on July 6, 1998, and approved by the Mayor on July 15, 1998, the City, among other things, (i) expanded the Original Westside Redevelopment Area and TAD and renamed the tax allocation district "The Westside Tax Allocation Bond District, Number 1, As Amended – Atlanta/Westside" (the "TAD"), and (ii) amended the Original Westside Redevelopment Plan and renamed same the "The Westside Redevelopment Plan and Tax Allocation Bond District (Tax Allocation District Number 1, As Amended – Atlanta/Westside)" (the "Redevelopment Plan"), all as provided under the Act; and

**WHEREAS**, the City has appointed the Atlanta Development Authority ("ADA") as the City's redevelopment agency pursuant to the Act for the purpose of implementing the redevelopment initiatives set forth in the Redevelopment Plan, and for other purposes, including, without limitation, implementing the neighborhood project funding mandate of the City from the "Neighborhood Allocation;" and

**WHEREAS**, ADA staff and the Westside TAD Neighborhood Advisory Board (the "WTAD Advisory Board") have each reviewed various applications for funding from the approximately \$2,500,000 in available Neighborhood Allocation; and

**WHEREAS**, the Board of Directors of ADA, after full review and consideration of the recommendations of ADA Staff, and taking into consideration the advice of the WTAD Advisory Board, has determined that it is in the best interest of ADA to approve the "Neighborhood Projects" in the applicable not to exceed amounts and subject to the other conditions (as applicable) set forth in Exhibit A attached hereto and by this reference made a part hereof and to decline funding of the proposed projects (the "Declined Projects") as set forth in Exhibit B attached hereto and by this reference made a part hereof; and

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors of ADA hereby (i) approves the funding of each of the Neighborhood Projects in the applicable not to exceed amounts and subject to the other conditions (as applicable) set forth in Exhibit A; provided, however, that such support shall be solely from the Neighborhood Allocation; (ii) declines funding of the Declined Projects set forth in Exhibit B; and (iii) authorizes the Chair, Vice Chair or President of ADA to negotiate, execute and deliver a development, funding or other similar agreement, in a form deemed satisfactory to such officer and legal counsel to ADA, with each developer of the approved Neighborhood Projects setting forth the terms and conditions relating to the Neighborhood Allocation funding support.

**BE IT FURTHER RESOLVED**, that the officers and staff of ADA are hereby authorized and empowered to take such other actions and to execute for and on behalf of ADA such other documents, agreements, instruments, disbursements, affidavits, approvals and certificates as may be necessary or desirable, in his or her sole discretion, to fully reflect the approval of the funding support for the Neighborhood Projects, as herein approved.

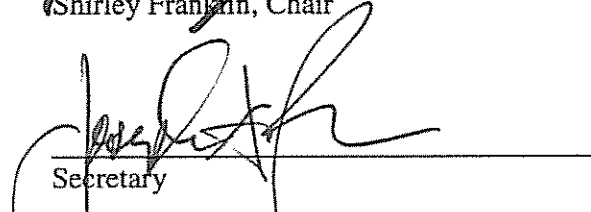
**BE IT FURTHER RESOLVED**, that any and all actions already taken or to be taken by the officers, directors and staff of ADA which are consistent with this Resolution are hereby authorized, ratified and approved, as applicable, by the Board of Directors of ADA.

**BE IT FURTHER RESOLVED**, that any and all resolutions or parts of resolution previously adopted by ADA which are in conflict with this Resolution be and the same are hereby repealed.

**BE IT FURTHER RESOLVED**, that this Resolution shall be effective immediately upon its adoption by the Board of Directors of ADA.

Acknowledged and approved by the Atlanta Development Authority this 19<sup>th</sup> day of April, 2007.

  
Shirley Franklin, Chair

  
Secretary



**EXHIBIT A – LIST OF APPROVED NEIGHBORHOOD PROJECTS**

**2007 Westside Tax Allocation District Neighborhood Fund #2  
Recommended Projects**

Project	TAD Request	ADA Staff and TAD Committee Recommendation	Neighborhood Advisory Board Recommendation	Comments
1 Vine City Park Expansion Acquisition and Development	\$300,000	\$300,000	\$300,000	1. Approval from VCCA Board 2. Letters of support from land owners in the path of progress
9 Vine Square	\$600,000	\$600,000	\$600,000	1. Construction cost guarantee maximum price by General Contractor 2. Third party consultant to review plans 3. Developer to demonstrate 1 year operating reserve
*Proctor Village	*\$1,712,870	*\$1,712,870	*\$1,712,870	1. Developer team requests an additional 60 day extension from original extension expiration date of March 21, 2007 2. Staff recommends a 90 day extension to expire June 21, 2007
<b>Total</b>	<b>\$900,000.00</b>	<b>\$900,000.00</b>	<b>\$900,000.00</b>	

\*TAD request amount not reflective in aggregate total.

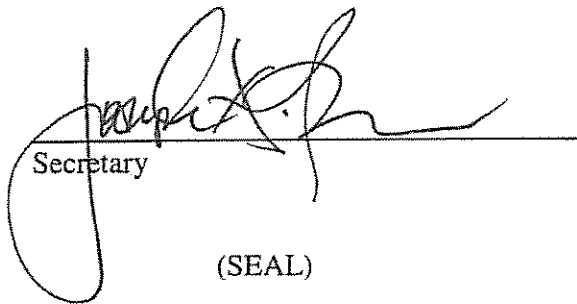
*Revision*

## SECRETARY'S CERTIFICATE

I, Joseph A. Brown, the duly appointed, qualified, and acting Secretary of the Atlanta Development Authority ("ADA"), do hereby certify that the foregoing pages of typewritten matter constitute a true and correct copy of a Resolution adopted on April 19, 2007, by the members of the Board of Directors of ADA in a meeting duly called and assembled, after due and reasonable notice was given in accordance with applicable laws and with the procedures of ADA, by a vote of a majority of the directors present and voting, which meeting was open to the public and at which a quorum was present and acting throughout and that the original of the foregoing Resolution appears of public record in the Minute Book of ADA, which is in my custody and control.

I further certify that such Resolution has not been rescinded, repealed or modified.

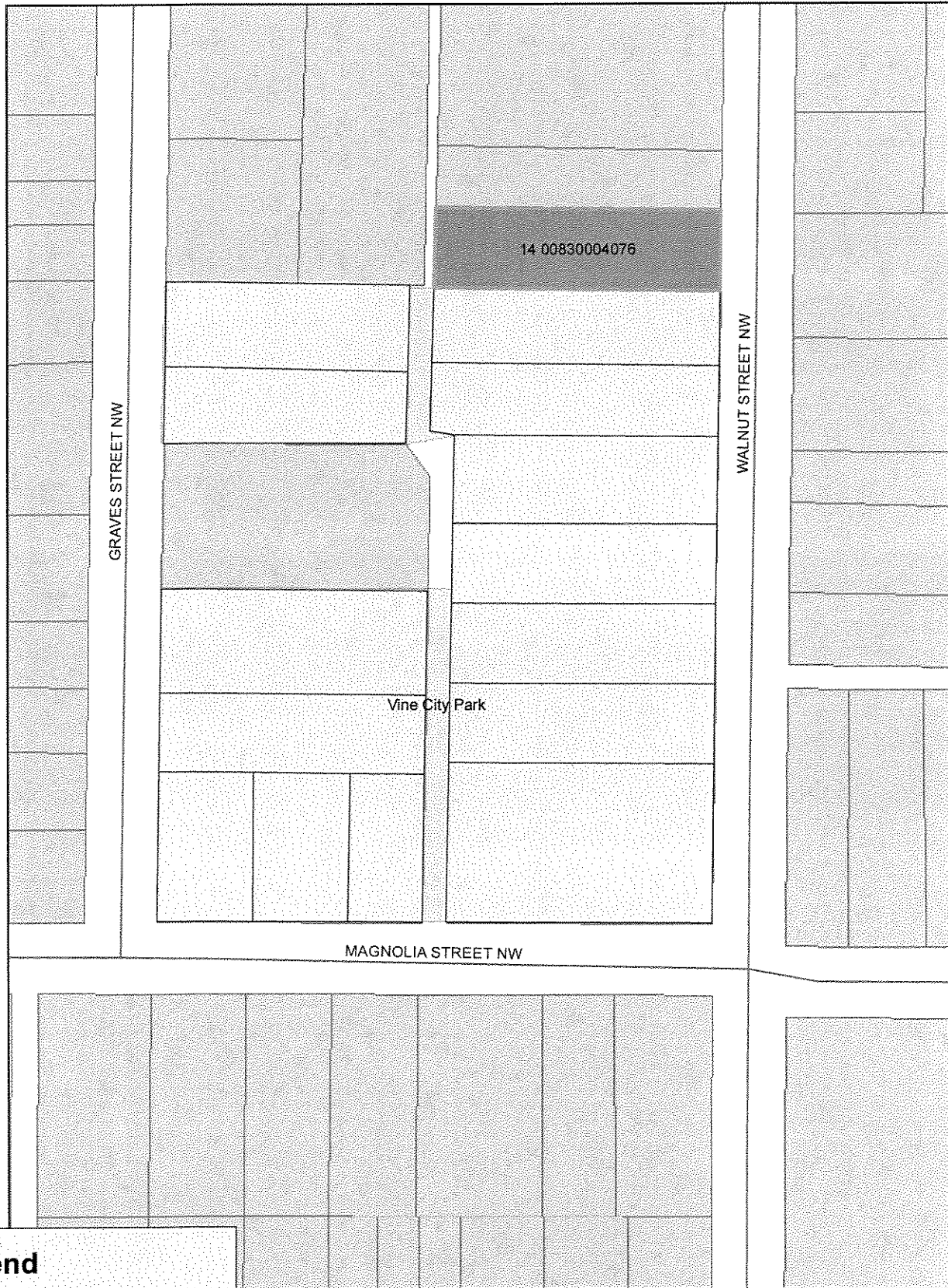
Given under my signature and seal of ADA, this 19<sup>th</sup> day of April, 2007.

  
Secretary  
(SEAL)

## EXHIBIT “C”

# Vine City Park Expansion

## Exhibit C



### Legend



156 Walnut St.



Vine City Park Parcels

75 37.5 0 75 Feet



Park Design 5/1/08

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview: FINANCE/EXECUTIVE COMMITTEE**

**Caption:** AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR AND PURCHASE APPROXIMATELY .09 ACRES, LOCATED AT 156 WALNUT STREET ("THE VINE CITY PARK 156 WALNUT STREET PROPERTY") FROM THE CONSERVATION FUND (TCF,) IN AN AMOUNT NOT TO EXCEED SIXTY THOUSAND DOLLARS (\$60,000.00), FOR THE PURPOSE OF EXPANDING THE EXISTING VINE CITY PARK. THE CITY'S PURCHASE PRICE, DUE DILIGENCE, PURCHASE SERVICES AND DEVELOPMENT COSTS SHALL BE CODED TO ORACLE STRING PTAEO (PNG PROJECT: 10202670), (PNG TASK: 101), PNG AWARD: 270221062), (EXPENDITURE: 5413004), (ORG: COA), GENERAL LEDGER (FUND: 2702), (DEPARTMENT: 100101), (ACCOUNT: 5413004), (FUNCACT: 1320000), (PROJECT: 202670), (FD SRC: 21062), (INTER: 0000), WESTSIDE TAD FUND/CONSTRUCTION IN PROGRESS/WESTSIDE TAD 2005, WHICH ACCOUNT HAS BEEN FUNDED FROM THE WESTSIDE TAD NEIGHBORHOOD FUND ALLOCATION APPROVED BY THE ATLANTA DEVELOPMENT AUTHORITY ("ADA"); APPROVING CONFORMING CHANGES TO THE INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY AND ADA RELATING TO THE VINE CITY PARK OF WHICH THE VINE CITY PARK 156 WALNUT STREET PROPERTY WILL FORM A PART; AND FOR OTHER PURPOSES.

**Council Meeting Date:** July 21, 2008

**Requesting Dept.:** DPRCA

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation.**

The purpose of this legislative request is to have an authorizing Ordinance for the acquisition and development one parcel located of 156 Walnut Street. This property will be an expansion to the existing Vine City Park.

**2. Please provide background information regarding this legislation.**

The City of Atlanta has been assembling property since 2004 for the Vine City Park. Funding has come from a number of sources including the Georgia Greenspace Program, foundations and the Westside TAD Neighborhood fund. This property will serve as an expansion to the

existing Vine City Park and a continuation of the park assemblage.

**3. If Applicable/Known:**

- (a) Contract Type-
- (b) Source Selection:
- (c) Bids/Proposals Due:
- (d) Invitations Issued:
- (e) Number of Bids:
- (f) Proposals Received:
- (g) Bidders/Proponents:
- (h) Term of Contract:

**4. Account Segment :**

**5. Source of Funds:** SHALL BE CODED TO ORACLE STRING PTAE0 (PNG PROJECT: 10202670), (PNG TASK: 101), PNG AWARD: 270221062), (EXPENDITURE: 5413004), (ORG: COA), GENERAL LEDGER (FUND: 2702), (DEPARTMENT: 100101), (ACCOUNT: 5413004), (FUNCACT: 1320000), (PROJECT: 202670), (FD SRC: 21062), (INTER: 0000), WESTSIDE TAD FUND/CONSTRUCTION IN PROGRESS/WESTSIDE TAD 2005

**6. Fiscal Impact:**

This legislation will result in a reallocation of funds from solely park development to both acquisition and development in the amount of \$60,000.00 to the Account Segment identified above in item 4.

**7. Method of Cost Recovery:**

**This Legislative Request Form Was Prepared By:** Ellen Wickersham, Senior Acquisition Manager, Parks and Greenspace and Debra F. Harris, M.A., DPRCA Departmental Contracting Officer/Legislative Liaison.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Debra F. Harris \_\_\_\_\_

Contact Number: 404-817-6795

Originating Department: DPRCA

Committee(s) of Purview: FINANCE/EXECUTIVE COMMITTEE

Chief of Staff Deadline: July 02, 2008

Anticipated Committee Meeting Date(s): July 15-16, 2008

Anticipated Full Council Date: July 21, 2008

Legislative Counsel's Signature: Adrian F. Jackson, Sr. Asst. City Attorney

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: \_\_\_\_\_

CAPTION AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR AND PURCHASE APPROXIMATELY .09 ACRES, LOCATED AT 156 WALNUT STREET ("THE VINE CITY PARK 156 WALNUT STREET PROPERTY") FROM THE CONSERVATION FUND (TCF,) IN AN AMOUNT NOT TO EXCEED SIXTY THOUSAND DOLLARS (\$60,000.00), FOR THE PURPOSE OF EXPANDING THE EXISTING VINE CITY PARK. THE CITY'S PURCHASE PRICE, DUE DILIGENCE, PURCHASE SERVICES AND DEVELOPMENT COSTS SHALL BE CODED TO ORACLE STRING PTAEO (PNG PROJECT: 10202670), (PNG TASK: 101), PNG AWARD: 270221062), (EXPENDITURE: 5413004), (ORG: COA), GENERAL LEDGER (FUND: 2702), (DEPARTMENT: 100101), (ACCOUNT: 5413004), (FUNCACT: 1320000), (PROJECT: 202670), (FD SRC: 21062), (INTER: 0000), WESTSIDE TAD FUND/CONSTRUCTION IN PROGRESS/WESTSIDE TAD 2005, WHICH ACCOUNT HAS BEEN FUNDED FROM THE WESTSIDE TAD NEIGHBORHOOD FUND ALLOCATION APPROVED BY THE ATLANTA DEVELOPMENT AUTHORITY ("ADA"); APPROVING CONFORMING CHANGES TO THE INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY AND ADA RELATING TO THE VINE CITY PARK OF WHICH THE VINE CITY PARK 156 WALNUT STREET PROPERTY WILL FORM A PART; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any): \$60,000.00

Mayor's Staff Only

Received by CPO: \_\_\_\_\_ Received by LC from CPO: \_\_\_\_\_  
(date) (date)

Received by Mayor's Office: 7.2.08 Reviewed by: [Signature]  
(date) (date)

Submitted to Council: \_\_\_\_\_  
(date)



RCS# 2239  
7/21/08  
3:41 PM

Atlanta City Council

REGULAR SESSION

CONSENT II

REFER

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	NV Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT II